

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 202103617	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/06/2021 5:45 PM	Location of Incident: [REDACTED]	Precinct: 122	18 Mo. SOL 12/6/2022	EO SOL 12/6/2022	
Date/Time CV Reported Wed, 06/16/2021 12:03 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 06/16/2021 12:03 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Emmanuel Keppel	09286	943434	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Victor Baniqued	17400	936169	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Emmanuel Keppel	Abuse: Police Officer Emmanuel Keppel threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On June 16, 2021, § 87(2)(b) filed this complaint with the CCRB online.

On June 6, 2021, at approximately 5:45 p.m., § 87(2)(b) was alone and inside her basement office at § 87(2)(b) in Staten Island. PO Emmanuel Keppel and PO Victor Banniqued of the 122nd Precinct knocked on her basement door. § 87(2)(b) opened the door and told them to come inside. The officers informed her that they had received a complaint from her tenant, Milton Rodriguez, who said that the air conditioner was not working. During their conversation, PO Keppel asked § 87(2)(b) to explain why her air conditioning unit was locked. PO Keppel allegedly told § 87(2)(b) that if she did not open the lock, she would be arrested (**Allegation A: Abuse of Authority, § 87(2)(g)**).

The investigation obtained seven Ring doorbell video files from § 87(2)(b) capturing the officers outside of her house and outside her basement door.

The nature of the incident did not require the use of BWC as per the Patrol Guide.

§ 87(2)(b) was not issued a summons nor was she arrested during the incident.

### Findings and Recommendations

#### Allegation (A) Abuse of Authority: Police Officer Emmanuel Keppel threatened to arrest

§ 87(2)(b)

It is undisputed that PO Keppel and PO Banniqued went to the rear basement of § 87(2)(b) and spoke to § 87(2)(b) inside her office.

§ 87(2)(b) stated that she heard a knock on her basement door. She opened the door and told PO Keppel and PO Banniqued to come inside. The officers said they received a complaint from her tenant, § 87(2)(b) who said that the air conditioner was broken. § 87(2)(b) told the officers that she was not required to provide air conditioning because it was not part of the lease agreement. PO Keppel told § 87(2)(b) that she needed to provide air conditioning. He asked her to explain why the air conditioning unit, located by the basement door, was locked. Both PO Keppel and PO Banniqued asked her more than once to open the lock securing her air conditioning unit. § 87(2)(b) refused and said that she would only allow a Heating, Ventilation, and Air conditioning (HVAC) technician to inspect it. PO Keppel told § 87(2)(b) that if she did not open the air conditioner lock, she would be arrested [Board Review 01].

PO Keppel testified that he and PO Banniqued responded to § 87(2)(b)'s home to conduct a wellness check. The caller (name unknown) was the father of § 87(2)(b) who lived at § 87(2)(b) with his girlfriend and a special needs child (PO Keppel did not know any further details about the child's condition). The caller stated that § 87(2)(b) the landlord, cut the utilities; the caller was concerned for his granddaughter sustaining heat-related injuries. When PO Keppel and PO Banniqued arrived at the location, the officers knocked on the front door of one of the apartment units. No one appeared to be home. PO Keppel called the caller, who said he would call § 87(2)(b). PO Keppel learned over the phone that § 87(2)(b) was away and would be returning. § 87(2)(b) arrived and informed the officers that the air conditioner was broken. He was experiencing financial difficulty and was working on paying rent. PO Keppel did not recall whether § 87(2)(b) said that the utilities had been cut.

PO Keppel rang the doorbell of the rear basement; § 87(2)(b) opened the door and allowed the officers inside. They told § 87(2)(b) that a tenant informed them that the utilities had been cut. § 87(2)(b) said that § 87(2)(b) had not been paying rent, and, as a result, she was experiencing financial difficulty. PO Keppel told § 87(2)(b) that even if she was experiencing financial difficulty, she could not cut off the utilities. PO Keppel explained that cutting utilities could be an arrestable offense. He told § 87(2)(b) that cutting utilities could be an arrestable offense for informational purposes. PO Keppel knew § 87(2)(b) from a prior encounter at the 122 Precinct stationhouse, was familiar with her issues with her tenant, and wanted to inform her of what could happen. She was not committing any crimes. § 87(2)(b) told the

officers that her air conditioner was broken and that her licensed technician was on vacation. She also appeared to be sitting in the heat, so PO Keppel asked § 87(2)(b) if he could look at her circuit breaker. § 87(2)(b) declined and said that only a licensed technician could examine it. PO Keppel saw a lock securing her air conditioning unit. However, he never asked her to open it. PO Keppel denied telling § 87(2)(b) that if she did not open the lock securing her air conditioner, she would be arrested. Aside from speaking to § 87(2)(b) PO Keppel did not take any other investigative steps to assess whether the utilities had been cut. PO Keppel accepted her explanation that the air conditioning was not working. § 87(2)(b) explained that she was not obligated to provide air conditioning because as per the original lease for her tenant for the period of October and November, air conditioning would not be provided anyway [Board Review 02].

PO Banniqued provided testimony largely consistent with PO Keppel's testimony, with the following exceptions. § 87(2)(b) told the officers that the air conditioning was not working and was not certain whether the electricity was cut or whether the issue stemmed from the air conditioner, which was central air. When the officers spoke to § 87(2)(b) they told her that under certain circumstances, such as cutting heat during winter, cutting utilities could be an arrestable offense. PO Banniqued did not recall who informed her, but the statement was for informational purposes. PO Banniqued did not recall PO Keppel asking to see § 87(2)(b)'s air conditioner. PO Keppel never told § 87(2)(b) that if she did not open the lock securing her air conditioner, she would be arrested [Board Review 03].

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party [Board Review 04].
- PO Keppel has been a member-of-service for 14 years. One complaint, and one allegation, has been filed against him.
  - CCRB # 201700579 involves an allegation of Force. It was closed as Complainant Uncooperative.

#### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) was not offered mediation due to a moratorium on referring cases to the Mediation Unit.
- On July 30, 2021, an inquiry for a Notice of Claim was submitted to the New York City Office of the Comptroller [Board Review 05]. The results will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City [Board Review 06].

Squad: \_\_\_\_\_ 11 \_\_\_\_\_

Investigator: \_\_\_\_\_ Inv. Mike Talisayan 08/3/2021  
Signature Print Title & Name Date

Squad Leader:	<u>Edwin Pena</u>	<u>IM Edwin Pena</u>	<u>08/03/21</u>
	Signature	Print Title & Name	Date
Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date